



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: VARRIANO-MARSTON, Elizabeth

Group Art Unit: 1772

Serial No. 09/877,757

Examiner: Patterson, Marc

Filed: 06/08/2001

Atty. Dkt. No: MARS93-DIV

For: REGISTERED MICROPERFORATED FILMS FOR MODIFIED/CONTROLLED
ATMOSPHERE PACKAGINGTo: Mail Stop ISSUE FEE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

From:

24222

Commissioner:

LETTER OF TRANSMITTAL

1. Transmitted herewith is 1 page PTOL-85B Issue Fee Transmittal, and 1 page PTO/SB/47 Fee Address Form. Applicant claims SMALL ENTITY status pursuant to 37 CFR 1.27.

2. Drawings: were previously approved.

3. DEPOSIT ACCOUNT 500323 AUTHORIZATION - All fees relating to the attached submittal are intended to be included herein. The office is however, hereby authorized to charge any deficiency or credit any overpayment in the fees relating to the attached submittal to deposit account 500323, registered to Vernon C. Maine P.L.L.C., dba Maine & Asmus. agents.

NOTE: The Director of the USPTO is requested to re-apply the Issue Fee previously paid on March 15, 2005 to the application identified above.

4. ☒ COMMENTS ON REASON FOR ALLOWANCE

The Applicant thanks the Office for providing reasons for allowance. However, the Applicant believes that the record as a whole amply supports the allowance of the claims and such further comments by the Office do not represent the full scope of the invention as defined in each of the claims. The Office merely recites elements of claim 1 as the reasons for allowance, and the Applicant wishes to ensure that such statement does not give rise to a presumption of acquiescence to those reasons, and any negative inferences that may flow therefrom. Applicant believes that the allowed claims 1-4, 6-12, 14, 21 and 22 including 1 independent claim are best interpreted in light of the record as a whole and not on the reasons presented in the Notice of Allowance.

Respectfully submitted,

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Scott J. Asmus, Reg. No. 42,269
Andrew P. Cernota, Reg. No. 52,711
Attorneys/Agents for Applicant

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CERTIFICATE OF Facsimile 37 CFR 1.8: I certify that this correspondence is being fixed on the below date to Mail Stop Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, Fax #. 571-273-2885, Telephone #: 571-272-4200.

Date: February 8, 2006

☒ Debra A. Stengel



Feb 08 2006 11:11AM Maine & Asmus

603.886.4796

p.3

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address, and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Please Use Block 1 for any change of address)

2422 7390 01/1/2006

MAINE & ASMUS
100 MAIN STREET
P O BOX 3445
NASHUA, NH 03061-3445

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Debra A. Stenge (Depositor's name)
Debra A. Stenge (Signature)
February 8, 2006 (Date)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------------|---------------------|------------------|
| 09/877,757 | 06/08/2001 | Elizabeth Varrizano-Marston | MAR593-DIV | 3933 |

TITLE OF INVENTION: REGISTERED MICROPERFORATED FILMS FOR MODIFIED/CONTROLLED ATMOSPHERE PACKAGING

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|-------------------|--------------|----------------|-----------------|------------------|------------|
| nonprovisional | NO | Fixed \$ 700 | \$0 | Fixed \$ 700 | 05/01/2006 |
| EXAMINER | ART UNIT | CLASS-SUBCLASS | | | |
| PATTERSON, MARC A | 1772 | 42B-034100 | | | |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47, Rev 03-02 or more recent) attached. Use of a Cassinier Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Maine & Asmus

2. _____

3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies 3

4b. Payment of Fee(s):

- ☐ A check to the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Please see below

5. Change in Entity Status (from status indicated above)

- ☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(a)(2).

* The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Scott J. Asmus

Typed or printed name

SCOTT J. ASMUS

Date February 8, 2006Registration No. 42,269

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Fee History Query Revenue Accounting and Management

Name/Number: 09877757

Total Records Found: 13

Start Date: Any Date

End Date: Any Date

| Accounting Date | Sequence Num. | Fee Type | Fee Code | Fee Amount | Mailroom Date | Payment Method |
|--------------------|------------------|-------------|-------------|------------|---------------|----------------|
| 10/13/2005 | 00000054 | <u>1</u> | <u>2251</u> | \$60.00 | 10/12/2005 | CC |
| 04/08/2005 | 00000029 | <u>1</u> | <u>1464</u> | \$130.00 | 04/06/2005 | CC |
| 04/08/2005 | 00000030 | <u>1</u> | <u>2801</u> | \$395.00 | 04/06/2005 | CC |
| 03/15/2005 | 00000025 | <u>1</u> | <u>2501</u> | \$700.00 | 03/15/2005 | CC |
| 03/15/2005 | 00000026 | <u>1</u> | <u>8001</u> | \$9.00 | 03/15/2005 | CC |
| 11/10/2004 | 00000084 | <u>1</u> | <u>2402</u> | \$170.00 | 11/08/2004 | CC |
| 11/10/2004 | 00000085 | <u>1</u> | <u>2252</u> | \$55.00 | 11/08/2004 | CC |
| 08/10/2004 | 00000122 | <u>1</u> | <u>2401</u> | \$165.00 | 08/06/2004 | CC |
| 05/19/2004 | 00000103 | | <u>8011</u> | \$55.00 | 01/04/1970 | DA 090527 |
| 10/20/2003 | 00000027 | <u>1</u> | <u>2801</u> | \$375.00 | 09/12/2003 | DA 500323 |
| 03/06/2003 | 00000172 | <u>1</u> | <u>1806</u> | \$180.00 | 03/04/2003 | CK |
| 02/12/2003 | 00000051 | <u>1</u> | <u>1806</u> | \$180.00 | 02/10/2003 | CK |
| 06/14/2001 | 00000147 | <u>1</u> | <u>201</u> | \$355.00 | 06/08/2001 | CK |